

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

Ratan Lal Soni

Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO.242/2005

DATE OF ORDER

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February 15, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Rakesh Arora, for the petitioner.
Mr.Rameshwar Dave, Deputy Govt. Advocate.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to grant benefit of selection scale on his completion of requisite 9, 18 and 27 years of service in view of the Circular dt. 25.1.1992 counting the period of service w.e.f. 19.7.1963.

I have heard learned counsel for the parties.

Reply to the writ petition has been filed by the respondent-State. The petitioner was initially appointed on the post of

Teacher Gr.III vide order dt. 18.7.1963 and in pursuance thereof, he joined the duty on 19.7.1963. The post of Senior Teacher was advertised by the respondent-State for direct recruitment. The petitioner appeared for direct recruitment for the post of Senior Teacher and was selected and appointed vide order dt. 18.1.1980 and joined the duty on 25.1.1980. Thus, his initial date of appointment is 25.1.1980. The petitioner was promoted on the post of Lecturer vide order dt. 30.8.1997 and the learned Deputy Government Advocate submits that the petitioner was granted first selection scale. So far as second selection scale is concerned, the petitioner was promoted on the post of Lecturer vide order dt. 30.8.1997 and, therefore, he is not entitled for second selection scale.

It is contended by the learned counsel for the petitioner that a person viz. Charan Singh, who was junior to the petitioner has been granted selection scale. In reply to the writ petition, it has been stated that after having appointed as Senior Teacher on 25.1.1980, the petitioner was granted promotion on 30.8.1997 to the post of Lecturer, whereas other person Charan Singh has not been granted any promotion and, therefore, he has been granted selection scale. The petitioner cannot claim parity with Charan Singh, who has not been promoted during the said period. Since the petitioner has been granted promotion

and, therefore, in my view, the petitioner is not entitled for the second selection scale from the date he completes 18 years service. The petitioner claims the selection scale from the date he was appointed on the post of Teacher Gr.III. The services of the petitioner has to be counted from his initial appointment i.e. 25.1.1980 as he was appointed under the direct recruitment. In the circumstances, therefore, no case for grant of selection scale is made out.

I do not find any merit in the writ petition. The writ petition is, therefore, dismissed. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-